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ARTICLE 5-1 PERMITS AND FEES

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5-1-1 Permit Required

It is unlawful to construct any building or addition thereto, or to remodel or improve any real property or the improvements located thereon when the cost of such construction, remodeling or improvement exceeds one thousand dollars, except replacement of floor or wall coverings, windows, roofing and painting, or to move any building or a part of building from or to any location or site, without having first obtained a permit from the city.

5-1-2 Regulations for Streets, Alleys and Rights-of-Way

- A. It is unlawful for any person or entity to grade, pave, fill or level any street, alley or right-of-way within the City or to construct, alter or repair therein any pavement, sidewalk, utility, structure, crosswalk, curb, driveway, gutter, sewer, water main or other structures or to make therein any excavation or in any manner disturb or obstruct the same or alter the same or place improvements on the same without first obtaining a permit in writing to do so from the city building inspector.
- B. The permit shall require that the person or entity to whom the same is issued shall give the city building inspector no less than twenty-four hour notice of the commencement of such work, shall carry on such work to the satisfaction and subject to the approval of the city building inspector, shall diligently prosecute the same to completion, shall leave the street, alley or right-of-way in good and safe condition, shall at all times keep signal lights or other proper warning as may be necessary to prevent injury to persons or property, and such person shall comply with such additional reasonable provisions and conditions as may be prescribed by the city building inspector either on the permit or as the city building inspector shall require from time to time.
- C. No permit shall be issued until the applicant has paid the required engineering and inspection fees, which will be set from time to time by a council resolution.

- D. The property owner shall assume the cost of the removal of an abandoned driveway and installation of curb necessitated by such removal. The driveway shall be deemed abandoned when it is so ordered by the Council.
- E. Sidewalks, driveways, curbs and street paving and related items shall follow such reasonable specifications, rules and regulations as the city building inspector shall impose and establish from time to time.
- F. The minimum requirements for curbs, driveways, paving, gutters and any improvements for utilities on the public streets, alleys or rights-of-way may be waived by the council upon the recommendation of the city building inspector in any case where certain physical conditions would cause impossibility of performance, extreme hardship or unreasonable expense.
- G. It is unlawful for any person or entity to cause or permit any street, alley or right-of-way within the city to become obstructed or encumbered by placing or leaving thereon any personal property or structure of any kind or character or any trash or rubbish.
- H. The city building inspector shall prescribe and provide a regular form for applications for purposes of this Chapter. The applications shall require such information and details as the city building inspector shall deem necessary to establish the exact locations, nature, dimensions, duration and purpose of the applicant in the project upon the street, alley or right-of-way. The application shall be accompanied by a map, site plan, sketch, diagram and exhibit which provide said information. The applicant shall keep himself adequately informed of all state and federal laws, local ordinances and regulations which in any manner affect the permit. The applicant shall at all times comply with the laws, ordinances, regulation, decisions of the court and similar authoritative orders, as well as such rules and regulations as the city may require.
- I. If any construction work, alteration or entry as provided herein upon a street, right-of-way or alley of the city is undertaken prior to or in breach of a permit as provided herein, the work shall be terminated until a permit is granted or the default or breach is cured, and the fee in this instance to secure the permit or proceed after default shall be two and one-half times the normal fee for such permit.
- J. The requirements of this section shall not apply to ordinary and common maintenance for franchised utilities. However, major operations or improvements of utilities shall require permits herein.

- A. Applications for a building permit under this chapter shall be made to the city manager or his designee and shall contain such information and shall be upon such forms as the council shall approve by resolution. The application shall be signed by the owner, contractor or architect.

- B. An application for a permit to move a building or a portion of a building on to a new location shall be accompanied by a plat or map showing the exterior boundaries and locations of the lot or parcel upon which the building is proposed to be located, and showing the proposed location of the building upon said lot or parcel and giving the distance from adjacent streets and other exterior boundaries of said lot or parcel of the proposed location of the building. The application shall also be accompanied by a detailed description or engineering drawing of the foundation which will be placed under the building upon the new location and a drawing of the lateral exterior views of the building upon the new location with a detailed description of the changes, if any, proposed to be made to the exterior of the building. No permit shall be granted unless the building, upon its new site, shall have the appearance of a completely finished and well-constructed building, and with an appearance that will harmonize with the neighborhood and not detract therefrom.

- C. All applications for permits under this Article shall be accompanied by one or more drawings of the proposed improvement with detailed information giving the area of the proposed improvement in square feet, a plot map showing the boundaries of the lot or parcel upon which the improvement is to be constructed, and showing the location of the improvement thereon, with distances from boundaries of the lot or parcel and any adjacent streets.

5-1-4 Established Permit Fees

Building and construction permit fees as established from time to time by resolution of the council shall be charged for all types of construction.

ARTICLE 5-2 UNIFORM CODES

- 5-2-1 Uniform Plumbing Code
- 5-2-2 Uniform Building Code
- 5-2-3 National Electrical Code
- 5-2-4 Uniform Mechanical Code
- 5-2-5 Uniform Code for the Abatement of Dangerous Buildings
- 5-2-6 Uniform Code for Building Conservation
- 5-2-7 Restoration of Structures and Utilities

5-2-1 Uniform Plumbing Code

There is hereby adopted by reference, as if fully set forth herein, the 1994 Edition of the Uniform Plumbing Code, as established by the International Conference of Building Officials, except as set forth therein.

5-2-2 Uniform Building Code

- A. There is hereby adopted by reference, as if fully set forth herein, the 2006 Editions of the International Building Code and the 2006 edition of the International Residential Code with the following exceptions:
1. The snow load for roofing shall be a minimum of 25# psf.
 2. Attached garages: all ceilings and walls common with a dwelling, shall be 5/8" type x sheetrock minimum. Solid core doors with self-closing hinges are required at the dwelling access.
 3. A building permit is required for any structure that is 120 square feet or larger
 4. Basic wind speed of 80 mph for wind design

The previous edition of building code will remain valid for all work in progress on the effective date of the new edition for an open permit to be considered as "in progress", work shall not be interrupted for a period in excess of six (6) months. The former uniform code series are retained as supplementary references.

- B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 96-10, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this Article and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.
- C. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 96-10, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this Article and made part thereof as though fully set forth therein. Such standards and

specifications shall apply to new construction and alterations commenced after September 3, 1996.

5-2-3 National Electrical Code.

There is hereby adopted by reference as if fully set forth herein, the 2008 Edition of the National Electrical Code, current edition, or as may be revised from time to time by the National Fire Protection Association.

5-2-4 Uniform Mechanical Code

There is hereby adopted by reference, as if fully set forth herein, the 2006 Edition of the Uniform Mechanical Code, current edition, or as may be revised from time to time by the International Conference of Building Officials.

5-2-5 Uniform Code for the Abatement of Dangerous Buildings

There is hereby adopted by reference as if fully set forth herein the 1997 Uniform Code for the Abatement of Dangerous Buildings, current edition, or as may be revised from time to time by the International Conference of Building Officials.

5-2-6 Uniform Code for Building Conservation.

There is hereby adopted by reference as if fully set forth herein, the 1997 Uniform Code for building Conservation, current edition or as may be revised from time to time by the International Conference of Building Officials.

5-2-7 Restoration of Structures and Utilities

If at any time for any reason any utility service to any structure within the City of Holbrook is disconnected or interrupted, or if said structure is found by the City Building Inspector to be unsafe for any reason, the owner or person or entity renting, occupying or otherwise using said structure shall restore the structure, and all utility connections thereto, to a condition that is safe and that meets all standards set forth in this Chapter and in all the national and uniform codes referenced herein. No utility service supplied to the structure shall be reestablished until the structure has been made to conform with this Chapter and with any and all other codes, ordinances, or regulations of the city and with all requirements of all entities furnishing any utilities to the structure.

5-2-8 Fire codes

There is hereby adopted by reference as if fully set forth herein, the National Fire Protection Association Code, current edition, or as may be revised from time to time by the national fire protection association.

5-2-9 International fuel code is added as follows: there is hereby adopted by reference as fully set forth herein, the 2006 edition of the international fuel code-

5-2-10 Violations

A. Civil:

1. Every person who owns any land, building or structure in the city is civilly responsible for any violation of this chapter which exists with respect to such land, building or structure.
2. Upon finding a person responsible for a civil violation, the court shall impose upon such person a civil sanction of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2500.00). The court shall not suspend the imposition of the minimum sanction unless the court finds by a preponderance of the evidence that the person has corrected every violation for which he was found responsible, and that the person is in compliance with this chapter. In that event, the court may, in its discretion, suspend all but one hundred fifty dollars (\$150.00) of the sanction upon such conditions as the court deems just.

B. Criminal.

1. Every person who owns any land, building or structure in the city, and who intentionally, knowingly, willfully or recklessly causes, allows, suffers or permits a violation of this chapter to exist with respect to such land, building or structure commits a class one misdemeanor.
2. Upon conviction, the court, at a minimum, shall sentence the defendant to a fine of not less than two hundred fifty dollars (\$250.00) and to probation for not less than one year. The court shall not suspend the imposition of the minimum fine or probation unless the court finds by a preponderance of the evidence that the defendant has corrected every violation for which the defendant was found guilty, and that the defendant is in compliance with this chapter. In that event the court may, in its discretion, suspend all but one hundred fifty dollars (\$150.00) of the fine on the condition that the defendant does not commit another criminal violation of this chapter for three (3) years following the date of sentencing.

- C. Actions not exclusive. The city's election to prosecute a civil or criminal action to enforce the provisions of this chapter does not limit or restrict the city's ability to bring against the defendant any other action authorized by law, including, but not limited to, an administrative abatement proceeding.
- D. Violations-separate violations on daily basis

Each violation of this chapter shall constitute a separate violation for each day that the owner permits the violation to occur, and may be prosecuted and punishable as an individual and separate offense for each day that the owner permits the violation to occur.

5-2-11 Corrections of violations

- A. Authority. In addition to any civil sanction or criminal penalty, the court may in its discretion order the defendant to correct the violation by a specified date, and may order the city to enter the property and correct the violation if the defendant fails to comply with the court's correction order. The court may require the defendant to correct the violation as a condition of suspending a portion of the civil sanction or criminal penalty.
- B. Recovery of costs incurred by city
 1. For a civil violation of this chapter, if the city corrects a violation pursuant to this chapter, the city may petition the court to recover the costs, expenses and attorney fees which the city incurred in correcting the violation and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the city is entitled to recover, the court may order the defendant to pay to the city the amount of the costs, expenses and attorney fees reasonably incurred by the city, and may enter judgment in favor of the city and against the defendant in that amount. The court may make payment of the judgment a condition of suspending a portion of the civil sanction.
 2. For a criminal violation of this chapter, if the city corrects a violation pursuant to this chapter, the city may petition the court to order the defendant to pay restitution to the city in the amount of the costs, expenses and attorney fees which the city incurred in correcting the violation and in bringing the petition for restitution. The court may, in its discretion, order the defendant to pay such restitution to the city. The court may make the payment of restitution a condition of suspending a portion of the criminal penalty.

5-2-12 Joint and several liability

- A. If more than one person owns a particular parcel of property, then all such persons are jointly and severally liable for every civil violation of this chapter existing with respect to that parcel.
- B. In a criminal prosecution for violations of this chapter, it shall not be a defense that another person is also guilty of a criminal or civil violation of this chapter.

ARTICLE 5-3 DRAINAGE AND RETENTION CRITERIA

- 5-3-1 General Requirements
- 5-3-2 Improvement Guidelines
- 5-3-3 Hydrology Methods
- 5-3-4 Storm Water Detention

5-3-1 General Requirements

- A. Drainage reports and/or engineered grading and drainage plans are required to: **(1)** analyze the impact that the proposed development will have on stormwater discharges, **(2)** provide adequate data to ensure that the development is designed to be protected from flooding and conforms to applicable floodplain and stormwater management regulations; and **(3)** provide data for the design of public and private drainage facilities.
- B. Drainage reports shall be of sufficient detail to demonstrate that the development or project will not create drainage or flooding problems and that any on-site drainage facilities are properly sized to detain and/or convey the design storm flows.
- C. The purpose of the guideline is to present criteria for submittals of drainage reports, floodplain studies, grading and drainage plans, and public drainage improvement plans to the City of Holbrook for review and approval.
- D. Additional criteria are found, by order of precedence, in Navajo County Stormwater Design criteria, the Arizona Department of Transportation (ADOT) Highway Drainage

Design Manual and appropriate FEMA guidelines.
Improvement designs should utilize Maricopa Association of Government's (MAG) and/or ADOT standard specifications and details.

- E. Drainage reports will be required for the following land development activities:
1. Residential, commercial and industrial subdivisions.
 2. Any multi-family residential or commercial development or parking lots
 3. Public improvements involving new streets, culverts, storm drains, open channels, and private/public detention facilities or other drainage infrastructure.
 4. Application for Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) to the Federal Emergency Management Agency (FEMA).
 5. Any other improvements, which, in the opinion of the City, require a report.
- F. A drainage report may also be required for application for a building permit, floodplain permit or grading permit if site conditions warrant or if drainage dictates the development of the site. Any project disturbing one acre or more will be required to have an approved Stormwater Pollution Prevention Plan (SWPPP) prior to commencing construction.
- G. Drainage reports submitted to the City for review and approval shall be prepared and sealed by an Arizona Registered Professional Engineer. The City of Holbrook recommends discussing all proposed development submittals with City staff prior to preparation or submittal of a report.

5-2-2 Improvement Guidelines

A. Design frequencies for drainage improvements are as

follows:

<u>Type of facility</u>	<u>Structure Type</u>	<u>Design Frequency</u>
Arterial Streets	Bridges	50 years
	All other	50 years
	Structures	10years
	Pavement drainage	
Collector Streets	Bridges	25 years or 50 years when conditions warrant drainage
	All other	25 years
	Structures	10years
	Pavement drainage	25 years 10years
Minor Streets	All structures	
	Pavement	

All weather access shall be provided on streets. This is defined as no greater than 1/2 foot of flow over the road for the structure design frequency.

5-2-3 Hydrology Methods

A. The City of Holbrook will normally accept the following technical procedures for the estimation of design discharges. The Navajo County Stormwater Design Criteria, the Arizona Department of Transportation (ADOT) Highway Drainage Design Manual and appropriate FEMA guidelines should be used for guidance when utilizing the following methods:

1. Rational Method-This method is for small urban watersheds, less than 160 acres and with fairly uniform land use. Use of this method will produce peak discharges and runoff volumes and should not be used for more complex watersheds. This method is normally used to size drainage structures for the peak discharge of a selected return period.
2. TR-55-Technical Release No. 55 "Urban Hydrology for Small Watersheds" was developed to provide solutions for a wide variety of small watershed hydrology problems including computation of peak discharge, hydrograph generation, reach routing, and detention storage estimates. For more complex watersheds and

modeling, TR-55 is recommended.

3. HEC-1-This method is the U.S. Army Corp of Engineers rainfall runoff model. It should be used for modeling larger, more complex watersheds or drainage networks. It is suggested that the coefficients to be utilized in the HEC- I model be thoroughly reviewed prior to utilizing any HEC- I options. The SCS type II 24-hour storm distributions with antecedent moisture condition II shall normally be used.

B. Other hydrologic methods such as the Soil Conservation Service (SCS) Technical Release 20 (TR-20) will normally be accepted. The use of these methods must conform to the procedures outlined in the SCS manual.

5-2-4 Storm Water Detention

- A. Detention is not required for developments of 1 acre in size or less or with an impervious area of less than 15,000 square feet.
- B. When preparing plans utilizing onsite detention, the engineer should consider the impact of the retarded peak release rates on flows from upper portions of larger drainage basins. That is, the analysis should evaluate how the detained runoff will impact the overall basin discharge rate.
Cases may be encountered where onsite detention facilities would actually increase the discharge in the receiving stream or would have no beneficial effect. When such cases are encountered, the hydrological analysis should be included together with an explanation and request that the onsite detention requirements should be waived due to its detrimental effect on the receiving stream. It is suggested that a more thorough analysis, such as the HEC-1 or TR-20 method be utilized whenever more complex basins are involved. The Rational Method and TR-55 methods are simplified approximations that are only applicable to the most straightforward applications.
- C. Whenever stormwater detention or other methods are employed to hold runoff to historic levels, the analysis shall address the effects of the 2-year, 25-year and 100-year events. Regardless of the calculation method utilized to analyze the detention it will be necessary to illustrate the runoff is held to historic levels during the 2-year, and 25-year 24-hour events. The detention facility must have adequate capacity to convey the 100-year event through the detention structure without overtopping, but flows will not have to be maintained to pre-existing flow rates. No freeboard on the ponds will be required. The adequacy of the system to convey the 100-year event flow rates will be considered adequate freeboard.
- D. Runoff from small basins, typically those less than 10 acres in size, may be analyzed using the modified rational method as described in, "Design Methods for the Design of the Detention Facilities", "Urban Stormwater Management", or "Practices in Detention of Urban Stormwater Runoff." Detention basins for drainage areas ranging in size from 10 acres to 40 acres in size may be designed using the methods as outlined in SCS TR- 55.
- E. It is the City's policy that onsite detention only be utilized when it will provide the necessary beneficial affect reducing runoff to historic levels or to hold runoff to the capacity of critical downstream facilities. Whenever onsite detention is proposed, a method of

providing long term maintenance of the facility shall be established. The maintenance responsibility resides with the property owner or an established property owners' association. The City of Holbrook will not be responsible for the maintenance or private detention facilities.